

**REMARKS**

By this amendment, claims 8 and 9 have been amended, claim 10 has been canceled and new claims 11-13 have been added. Independent claims 1, 9, and 10 are all clearly in condition for allowance for the reasons shown below; all dependent claims should be allowable with the independent claims.

**Summary of the Rejections**

Claim 9 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by US Patent No. 6,263,050 to Akhteruzzaman et al. (hereafter referred to as "Akhteruzzaman".) Claims 1-3, 5, and 6 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over US Patent No. 4,760,593 to Shapiro et al. (hereafter referred to as "Shapiro") in view of US Patent No. 5,946,616 to Schornack et al. (hereafter referred to as "Schornack") and further in view of US Patent No. 6,810,380 to Roberts et al. (hereafter referred to as "Roberts.") Claims 7 and 8 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over Shapiro, Schornack, and Roberts, and further in view of US Patent No. 5,333,173 to Seaholtz et al. (hereafter referred to as "Seaholtz".)

**35 U.S.C. §102(e) Rejection**

Applicant respectfully traverses this rejection.

Claim 9 has been amended to require that the wireless connection in the presence of a dead line condition on the POTS line provides two-way voice communication between the called party and the resident or other person in the residence (i.e. a nurse or family member.)

Akhteruzzaman teaches a system for responding to security alarm breaches comprising means to connect wirelessly to a central office in the event of a dead line condition on the residence land line (column 5, line 54 – column 6, line 6). Once this line is called, the system automatically uses a set of DTMF tones to inform the central system of the situation. Additionally, a plurality of calls may be placed to other numbers and a pre-recorded message played for those who may answer.

As noted in MPEP 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Akhteruzzaman does not meet the minimum criteria.

Akhteruzzaman does not teach or suggest the ability to initiate two-way voice communication on the wireless connection that is established when an off-hook condition is detected. In fact, the reference would teach away from this type of feature. The wireless communication in Akhteruzzaman is operable to communicate with a non-human interface via a set of tones. A person attempting to speak over the connection would not interface with another person in a position to help and would interfere with the ability of the system to communicate the necessary set of tones. In one

embodiment, the current invention allows a resident to speak over the wireless system to a person on the other end of the line who may be capable of sending help or otherwise responding.

### **35 U.S.C §103 Rejection**

Applicant respectfully traverses this rejection.

Independent claim 1 teaches a system for emergency communication comprising a base unit, a POTS telephone handset, a telephone keypad, circuitry for establishing two way telephone voice service over both wired and wireless media and digital recording and voice recognition circuitry for activating the system from a remote location.

The Examiner relies on Shapiro to teach a base unit, a POTS telephone handset and keypad, and the circuitry to establish voice communications over POTS wiring.

The Examiner then concedes that Shapiro fails to teach the following:

- a) circuitry to establish wireless telephone voice communication service;
- b) control electronics to selectively switch between POTS service and wireless service; and
- c) digital recording and voice recognition circuitry connected to activate the communication system from a remote location.

Regarding elements (a) and (b), the Examiner relies on Schornack to provide the limitations.

Regarding element (c), the rejection relies on Roberts. MPEP 2141.02 states that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” The system of Roberts in the cited portion does teach the use of digital recording circuitry and voice activation. However, upon a closer reading of the reference, it is clear that the structure and purpose of Roberts teaches away from the current invention. Roberts does not envision a system that would operate at a home in conjunction with a landline. In fact, constraining Roberts’ apparatus to a particular home and land based phone would eliminate one of its primary purposes which is sending the location of a mobile user of the device to a central monitoring unit.

MPEP 2143 states that “[t]o establish a *prima facie* case of obviousness...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings.” There is no motivation found in any of the references to combine the homebound system of Shapiro with the purely portable system of Roberts. As stated above, this combination would obliterate the very purpose of the system of Roberts. Additionally, the combination of these systems would create a system that operates differently from the instant invention where there is no portable element.

Regarding claims 2, 3, and 5-8, the Examiner has failed to make a *prima facie* case of obviousness as shown above regarding claim 1.

New independent claim 11 is allowable for the same reasons shown above regarding claim 1. Further, claim 11 includes a limitation that an incoming caller can force the telephone system off-hook and communicate with a resident or other person in the home via a speaker phone. Support for this limitation is found in paragraph [0049] of the specification and is not taught nor suggested in any of the prior art references.

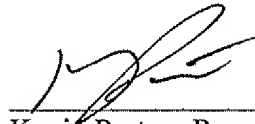
Claims 12 and 13 are allowable for the same reasons shown regarding claims 11 and 1, respectively.

### Conclusion

In light of the amendment and the reasons set forth above, it is respectfully submitted that all of the pending claims are in clear condition for allowance.

If additional fees are required, the Commissioner is hereby authorized to charge any additional fees to the undersigned's deposit account number 11-0853.

Respectfully submitted,



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